

DETAILED ACTION

Election/Restrictions

As a result of an inadvertent examination of previously non elected claims 4 and 6 in the Final Rejection dated October 27, 2009, the previous election of species requirement has been withdrawn and all claims are being considered on the merits.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "groove like" lacks antecedent basis and is considered indefinite as it has not been clearly set forth by the originally filed specification what the term encompasses.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 2, 4, 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arteman et al. (US 5,925,026) in view of Sciaraffa et al. (US 4,333,979).

With respect to claims 1 and 8, Arteman et al. (hereinafter "Arteman") discloses an absorbent body including a stripe-shaped absorbent body base (figure 1), including an absorbent element obtained by mixing at least pulp with super absorbent polymer (col.4, lines 23 – 24), wherein the linear pattern elements (cl. 8) are formed on at least one surface of the absorbent body base by being squeezed by the processing projections so as to have a groove-like shape when seen from the top, and the plurality of linear pattern elements are individually spaced from one another, dispersed in a staggered manner and arranged as claimed as set forth in col. 7, lines 9 - 22.

The difference between Arteman and claim 1 is the explicit teaching that the absorbent element is sent and transferred through a pair of rollers that are provided to be opposed to each other with a predetermined distance, wherein at least one of the rollers is a press print processing roller that has a plurality of processing projections with a predetermined layout on a circumference surface. Sciaraffa et al. (hereinafter "Sciaraffa") teaches the formation of a layer by transferring the layer through a pair of opposed rollers wherein at least one of the rollers is a press print roller with a plurality of processing projections as set forth in figure 1. The processed web is then applied to the absorbent article where cutting, placing etc would be obvious (see col. 3).

Likewise, the degree of inclination as claimed may be zero and is therefore not required to be taught by the prior art.

It would have been obvious to one of ordinary skill in the art to utilize the rollers of Sciaraffa to form the specific arrangement disclosed by Arteman because the process of Sciaraffa results in a cost effective layer with increased effective thickness while providing softness, bulk and the retention of desirable physical properties as taught by Sciaraffa in col. 2, lines 1 – 10.

With reference to claim 2, Arteman discloses linear pattern elements are arranged so that any number of the linear pattern elements on any straight line that extend in a width direction orthogonal to a transfer direction of the absorbent body base is equal, and so that the linear pattern elements have a fixed distance thereamong in the width direction as set forth in figure 1. While a specific linear pressure may not be explicitly recited, the modification of such to a desired range is within the level of ordinary skill in the art as the press print is known in the art and intended to provided a range of pressures to a given material in order to achieve desired results.

With respect to claim 4, Arteman discloses an absorbent element filled into a storage bag (i.e., topsheet and backsheet) and sealed between edge parts of a liquid permeable sheet (i.e., topsheet) as set forth in col. 9, lines 48 – 53. The examiner considers the absorbent element to be squeezed until its absorption performance almost disappears because Arteman discloses that the apertures may have a depth up to about 99% as set forth in col. 6, lines 4 - 7. The absorbent body base is provided

with linear pattern elements and a predetermined thickness as claimed as set forth in the rejection of claim 1. Likewise, the thickness as claimed may be zero and is therefore not required to be taught by the prior art.

As to claim 6, see the rejection of claim 1.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments with respect to claims 1 – 2, 4, 6 and 7 – 8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**.

See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michele Kidwell whose telephone number is 571-272-4935. The examiner can normally be reached on Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tatyana Zalukaeva can be reached on 571-272-1115. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/Michele Kidwell/
Primary Examiner, Art Unit 3761